

Noise Ordinance Task Force
October 28, 2021

The noise ordinance task force out-of-cycle meeting held via WebEx was called to order by Development Services Department Director, Michael Shannon at 6:05 pm.

Roll call of those present online is as follows:

<u>Member</u>	<u>Non-member</u>
Gemma Kennedy	Michael Shannon
Steve Versteeg	Michael Uresti
Colleen Waguespack	Danny Liguez
Dawn Larios	Jenny Ramirez
David Uhler/for J. Bailey-Newman	Denise Hastings
Sergio Acosta/for Jeret Pena	Samantha Wickwire
Sam Aguirre	Anisa Schell
John Brenneman	Xemina Copa-Wiggins
Amin Tohmaz	Parker Dixon
Savita Rai	Sanford Nowlin
	Brittany Evans

Michael Shannon – Towards the end of the last meeting there were some comments or concerns about what was going on with the meeting and the process. It is important, as a group, to have a conversation to make sure we are all on the same page. The role with the City is to ensure we have an open process, and good dialogue. Some of the items for this agenda may be easy to go over and some may require more discussion. We will take the agenda topics and have task force input. The first topic is **Additional Members.** The task force is made up of fifteen seats that were assigned by the CCR in April of 2021. There was a conversation early on with task force members asking if they wanted to add more members to the group. This is due to comments about this being a city-wide ordinance not just different pods of the city. The task force consensus was to keep the group as is and keep moving forward. If something has changed, we need to discuss it.

Dawn Larios - Has addressed this exact issue and had some major concerns that not all ten council districts were being represented. Still feels that the business community is not well represented and these meetings. We need to make sure that it is the task force members making the recommendations, suggestions and getting ideas.

Gemma Kennedy – It was brought up when we first started the task force of whether to expand and there was a vote at that time not to expand. Some of the confusion is if we have additional members, what is the purpose. If we change the whole ordinance and looking at versus where the businesses are, and the neighbors are co-habituating in the density of certain neighborhoods, maybe we should expand it. We have done a lot of work so far, and a part of me wants to keep it the same.

Sam Aguirre - Opposed to expanding the membership. What would be helpful is having people with certain expertise available to advise the task force, such as someone with sound engineering background. One of the concerns is, almost anyway to comprise the task force where it is going to be composed of residents and business owners, the vast majority of the critical decisions are going to break up along the "party lines" so to speak. Businesses have been resistant to some of the reforms we are seeking to get some relief, and residents are not happy leaving the ordinance as is. If all the residents combined had the influence that the Texas Bar and Restaurant has not only over City Council but the State legislature. As a percentage of the population, the number of representatives here is small compared to the number of bars relative to the population. The original purpose of this task force was to deal with the impact of nuisance businesses adjacent to residential areas. We are not going to reach consensus on the critical issues. So rather than having a majority vote, maybe it could be documented for council members how many supports one proposal and how many supports a different proposal and let council choose.

John Brenneman – The larger you allow something to expand the more destroyed things become. We are not looking to change that much of the ordinance. If the ordinance was being obeyed, we would not have an issue. We just need some teeth to enforce what is already on the books.

Steve Versteeg – Is an engineer and has never been on a task force but appreciates the discussion. When this went the both Governance and Culture and Neighborhood Housing Services Committee, the district 3 councilwoman asked if there could be more neighborhood representation. There are 400 neighborhoods in the city, so how far does the task force want to go with this? If this task force was put together by the CCR, then why do we get to change it now.

Michael Shannon – This issue comes up enough to ask the question. Things have changed since the beginning, such as a pilot program on-going right now.

Samantha Wickwire – Is with district 10 council staff. Thinks it is a great idea if task force wants to expand. Would encourage having additional district representation.

Dawn Larios – Appreciates some of Sam's comments but stating that the Texas Restaurant and Bar Association has influence over City Council and State legislators is inappropriate. She is here to work with everyone. From the beginning it has been said to go after the bad actors and educate them.

Colleen Waguespack – Does not feel that it is necessary for each council district to be represented. We can all understand the issues even though it does not affect some as much as others, resident owner and business owners.

Michael Shannon – Is hearing that most would agree not to add more members but to encourage more people to participate in the hearings. The next topic is **Alternates**. This is going to have a direct relationship to having a balance. When this task force was established there was no typical primary and alternate seat arrangement. It just evolved. Does everyone understand or agree that if you cannot

make a meeting, you have the ability to invite someone to sit in for you and that person has similar views as you.

David Uhler – As an alternate, believes the alternate system is a good one. There is a very fragile balance in terms of business interests and community interests at this point. To have people not show up for meeting would skew some of the decisions that are made.

Michael Shannon - Another topic that came up towards the end of the last meeting, while roll call votes were being taken, was Quorum. We started the meeting with a quorum, but people had dropped out for whatever reason. The question is, do we need a quorum. The legal answer is this is not a board or commission and the task force is not bound by State laws or Robert's Rule of Order. That being said, the task force can, as a group, have an understanding that there should be a good representation of the task force at each meeting.

Sam Aguirre – It would be a good idea to have a majority of members present for a meeting when making decisions.

John Brenneman – There should be at least eight members present for decisions and votes. Since alternates are allowed, there is no reason not to have a majority present.

Samantha Wickwire – It is important to have a majority of members present when taking a vote on something as large as changing decibel levels.

Anisa Schell – It is important to have a majority present to keep a balanced number. If there is a meeting where someone cannot make it and the majority present are resident, whatever decision is made is going to feel unbalanced to the business community.

Gemma Kennedy – Was one of the members that dropped out of last meeting. For some reason could not get a connection and would like better notification of future meetings.

Amin Tohmaz - Would like to make a clarification since there was a mention of balance. There are fifteen task force members, three are city employees, eight are from neighborhoods and four are from businesses. So, no matter how you look at it, there is no real balance.

Michael Shannon – We have to be as balanced as we can. There three city staff members on the task force and we will be at every meeting. In terms of identifying balance and quorum, the city probably should not be counted. Moving forward the city members need to participate but not be part of the balance. We need to make sure that there will be a quorum before the meeting starts.

Anisa Schell – Agrees with city staff giving their expertise. When getting a consensus from the group, whether it's a quorum or a majority, does the group want city staff to be voting or would they like them to just provide expertise.

John Brenneman - Who are the three city staff members on the task force.

Michael Shannon - The city members are SAPD, Code and City Attorney's office

Dawn Larios – The city members are the experts along with the code officers. It was decided at the beginning that the city would have a vote because they are part of the task force.

Savita Rai – It is important for the people who are out in the field enforcing this ordinance to have a say. They are the ones who know how it is being applied. Legal's job on this task force is to make sure that whatever decisions are being made are abiding by the law.

John Brenneman – Respects the city's opinions and feels they should be allowed to have a vote.

Gemma Kennedy – We are talking about two separate things, voting and expertise. Would like to see the expertise in the discussions because the task force members are not the experts. Does not usually see the city voting with the task force

Michael Shannon – Some of the things we felt, from the city's perspective, when we have to do a roll call vote, it feels very formal. We need to be clear if we are voting to make a decision.

David Uhler – We need to present City Council a thumbs up or a thumbs down when we are presenting recommendations. If you take city staff off of that, you will lose some of the balance we have been trying to achieve.

Steve Versteeg - This is not a motion to decide a zoning for rest of eternity. If we are recording the votes, why wouldn't we get everyone's opinion.

Savita Rai – Opinion is if they should leave the three city members to present their opinions.

Michael Shannon – Next topic is the **Accessibility to the Meetings**. There were a couple of people who said they had trouble finding the link. We would like everyone to be able to participate and provide input.

Sam Aguirre – Is it possible, in the caption of the invite, to restate the meeting date and time.

Samantha Wickwire – would it be too much trouble to make a flyer to get more participation from the outside. The flyers could be distributed to other districts and neighborhoods and possibly businesses.

Michael Shannon – Lastly, there were comments about non-task force members and their time to talk. The main meeting is for the task force members to deliberate. We have had council staff and other city staff come in and provide input, but we need to keep it orderly. It is appropriate at times for some non-task for members to weigh in on a subject.

John Brenneman – Has been to a couple of meetings in person and felt much more comfortable getting to know some of the people face to face. The bar owners and restaurant owners' representatives want things to go well. If all of the establishments had Jodie Bailey Newman, we would not be having this meeting because there would not be any problems.

Savita Rai – Agree that we need to exercise the format that council set for the task force. There are task force member and there are non-members. Time has been set aside at the end of each meeting for non-members to speak. We need to stick to that format otherwise the meeting goes awry.

Michael Shannon – There are going to be sometimes that someone has to weigh in that is not apart of the group and that will be okay because it will add some value, but if it gets out of control that person will be asked to wait until the end of the meeting. What else can we do better as a group, as city staff to make this an excellent process.

Anisa Schell – John's comments about being at the meeting in person are on the money. The task forces work best when everyone can come in person. Having everyone online is also effective, but the hybrid meeting is difficult.

Gemma Kennedy – Many times members can schedule their meetings a work and zoom in to the meeting. This is not for her though.

Michael Shannon – We are going to have a few more meetings and we can have them either all in person or all online or both.

Gemma Kennedy – Is there a way to get some information ahead of time before the meeting to look at so that we can have more knowledge before the discussions.

Michael Shannon - We will have the agenda and associated topics or information ready a week before the meeting available to members. We have the right people here to continue to discuss the ordinance to come up with a recommendation for City Council.

Meeting was adjourned at 7:17 pm